

STATE OF MICHIGAN
COURT OF APPEALS

BOBBIE J. HARDY,

Plaintiff-Appellant,

and

BRUCE S. HARDY

Plaintiff,

v

DEPUTY DAWN NYE, INGHAM COUNTY
SHERIFF'S DEPARTMENT, and INGHAM
COUNTY,

Defendants-Appellees.

UNPUBLISHED

October 7, 2010

No. 292259

Ingham Circuit Court

LC No. 08-000012-NO

Before: MURPHY, C.J., and HOEKSTRA and STEPHENS, JJ.

STEPHENS, J. (*concurring*).

I write separately only to take exception to the majority's determination that plaintiff has failed to create a factual question regarding whether Deputy Nye engaged her lights and siren. While the majority correctly notes that plaintiff's statement to the officer who interviewed her at the hospital is hearsay, the record is undeveloped regarding whether it is nonetheless admissible under MRE 803(2) or 803(24). The trial court did not address the hearsay issue. Without such a record, the determination of the trial court and the majority that there was no factual issue is premature.

/s/ Cynthia Diane Stephens